



Lamoine Board of Selectmen

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Minutes – September 10, 2015

Chairman Gary McFarland called the meeting to order at 7:01 PM.

Present were: Selectmen Bernie Johnson, Heather Fowler, Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Planning Board Chair John Holt, Comprehensive Planning Committee members Valerie Sprague, Kathie Gaianguest, members of the public Bruce Gillette, Kathleen Rybarz and Catherine deTuede. Selectmen Nathan Mason had informed the board prior to the meeting that he was unable to attend due to work.

Agenda Review – No changes were proposed to the printed agenda or addendum.

Minutes, August 13, 2015 – Jo moved to approve the minutes as printed. Bernie 2nd. **Vote in favor was 4-0.**

Expenditure Warrant 5 – There were no questions regarding this warrant signed individually by the Selectmen on August 26th in the amount of \$379,814.12.

Expenditure Warrant 6 – Selectmen signed the warrant in the amount of \$581,961.45. Stu noted most of the warrant was a transfer into investments and for school payroll. Bernie asked if the assistant Code Enforcement Officer had started training. Stu said he had. Jo noted that Richard McMullen has done a very good job on the road work.

Cash & Budget Reports – Stu noted that Fiscal Year 2015 ended very well. Heather said she like seeing the school being under budget. There was a brief discussion about the school budget and tuition at MDI High School.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with review of the checking account reconciliation which had been sent via e-mail prior to the meeting.

Stale Check Order – Jo moved to approve an order disposing of two checks that have remained uncashed for an extended period of time. Heather 2nd. **Vote in favor was 4-0. Selectmen signed the order.**

Planning Calendars – Selectmen had no objection to ordering 2016 Planning Calendars for the various volunteers serving the town.

Gravel Ordinance – Stu reported he had a lengthy discussion with Valerie Sprague regarding the proposed 1,000 cubic yard minimum in the proposed ordinance. He said that came from the Planning Board. John Holt, the Planning Board chair, said the board looked at 1,000 cubic yards on the face of the earth, and it was not that much. He said the Planning Board felt that would be responsive to some of the complaints received about the current Gravel Ordinance. He said it would apply whether the removal took 6-

months or five years; it is not an annual removal rate. He said smaller operations can come under site plan review. He said the recommendation was in concert with the recommendation that the permit life be increased from 3 to 5 years. He said when a project gets to that size, it must come under ordinance control.

Bernie asked if there were any examples of a greater than 500-yard removal complaint without a permit. Mr. Holt said he could only recall one, and that was the Miro Case many years ago. There was a discussion regarding distinguishing gravel operations from building projects. Bernie asked Mrs. Sprague if that explained the reasoning behind the proposed change. Mrs. Sprague said the last sentence clarifies, and questioned why the threshold was bumped up to 1,000 cubic yards. Mr. Holt said the building project concern was only one of the reasons for the increase. He said 500-cubic yards is quite small, and 1,000 cubic yards would disturb only a quarter acre digging 3-feet deep. He said this is more than a building envelope issue.

Bernie asked if someone brought in a lot of fill for a project, would that kick in the gravel ordinance. Mr. Holt said it possibly could if material is stored and it exceeds an acre. Ms. Sprague asked if the Site Plan Review Ordinance is only for gravel. Mr. Holt said it was not, and briefly discussed the Site Plan Review Ordinance.

Bruce Gillette said it sounds like if someone had a small lot, they could take away 999 cubic yards without a permit. Mr. Holt said it's about a quarter acre, and certain things that size are regulated, such as parking lots. Mr. Gillette asked about the time limit – whether that meant removal forever or per year. Bernie said it was 1,000 yards all together. Mr. Holt said the focus of the gravel ordinance is what happens when an operation reaches a certain size, it is subject to being regulated when it reaches a certain threshold. Bernie said this will be difficult to track, and a brief discussion followed.

Mr. Holt said the issue is one that depends on common sense. Carol Korty said she would understand it better if it were clearly stated as a total amount. Gary said the board could take 10-years writing an ordinance, and a brief discussion followed. Mr. Holt said he expects that any new ordinance will be challenged. He said at least two operators have said they will not renew a small pit, and just keep a small head open. He said it would be up to the Code Enforcement Officer to interpret the language. A brief discussion followed on ways to change the wording.

Catherine deTuede asked if the proposed ordinance is still applicable to the land use table in the Building and Land Use Ordinance. Gary asked for clarification. Ms. deTuede said 1,000 cubic yards is a lot. Discussion followed about the relationship of the gravel ordinance and the building and land use ordinance and proposed sections 6 and 7 in the applicability section of the Gravel Ordinance revision.

Ms. deTuede asked if the town attorney has looked at the proposed Gravel Ordinance. Stu replied it has not yet gone to him. A discussion followed on ways the gravel operators could circumvent the proposed ordinance. Mr. Holt noted that if a pit is sold, it must be restored.

Stu asked the Board if they wished to have the town attorney review the proposed ordinance. Heather and Gary answered yes, and there was no objection.

Ms. Korty asked when the public would have a chance to voice public concerns at a work session. Heather said that is what the Board has done. Jo said that's what the Board is doing now. A brief discussion followed. Ms. Korty said the Selectmen asked the Planning Board to hold a public hearing and the Planning Board declined, so she assumed it would be a good idea to have a public work session. Bernie said the window that the Selectmen are in for putting this matter to a November vote is pretty narrow. He said the Board is getting ready to print a final version and two years of work has gone into this. He said no one has been denied any input on the proposed ordinance.

Ms. deTuede said the public should have an opportunity to ask questions about the proposed ordinance. Jo said there will be a public hearing prior to the referendum vote. There was a discussion about comparing the final draft to the current ordinance. Kathie Gaianguet said because the ordinance is not marked with crossed out sections and new language, she has trouble making a comparison. She said she would like an opportunity to offer comment on the final document. A brief discussion followed.

Stu asked the Board whether they wished to have the town vote on one question or two. Bernie said the setback section, which is currently a separate document, seems to be the most contentious. He said he would hate to see the rest of the ordinance fail based on that. Jo said the Board has not spent as much time on the setbacks as the rest of the ordinance. There was a brief discussion about takings, written agreements with abutters, and grandfathering. Mr. Holt said he got the sense from the operators that they would be OK with grandfathering the current permitted operations and having the ordinance setbacks apply to the new pits.

There was a lengthy discussion about voting on separate questions versus one single ordinance. Stu said two questions could prove confusing. Mr. Hold asked what would happen if the setback question were approved, but the overall ordinance was not – that would not match up the current ordinance. He said perhaps it would be better to take more time, possibly waiting for the annual town meeting next March. Ms. Korty said she would like the vote delayed. Jo said waiting until March would give more opportunity for review and she doesn't see where the town is rushed to present this. Ms. Gaianguet again stated that she found the changes confusing and suggested producing a summary of the changes to the existing ordinance. Stu said it could be done, but editorially there will be the potential for some to claim there is a bias in the document. A discussion followed. Stu said he would draft up a summary for the Board to review.

Heather moved to combine the two proposed documents into one and put it to a town meeting vote on November 3, 2015. Gary 2nd. **Vote in favor was 4-0. Selectmen signed an order calling for staff to prepare the documents for a special town meeting and public hearing for October 22, 2015.**

Solid Waste – Stu touched on the highlights of the report from Electronics End and the recycling event in July. He said the company was very impressed by the amount of

material collected. He noted that the town is issuing permits for the September 26, 2015 hazardous waste collection at MDI High School.

Stu reported that some of the parameters for monitoring the residential wells around the landfill have been slightly relaxed. He said that should save some money in the budget, but not a lot.

Communication from Town of Trenton re: Oyster Farm – Jo said the letter from Trenton's Board of Selectmen chair made some good points, but she's not sure if she would favor a letter of support. Gary said this is beyond the town's jurisdiction. Bernie said this would not be the town's business. The board discussed which stand to take and reviewed a draft letter, which after editing following the open part of the meeting, they signed to send to Trenton.

Comprehensive Planning – Stu reported the Comprehensive Planning Committee wants to gauge opinions of various town boards on a variety of matters. Selectmen agreed to offer to meet with the committee on October 8, 2015. The Board noted there has been good public relations on the availability of the survey the committee is doing. It was noted that there is a glitch in the on-line version.

Resignation – Parks Commission – Heather moved to accept with regret the resignation of Alida Liberty from the Parks Commission. Bernie 2nd. **Vote in favor was 4-0, Selectmen signed a letter to Ms. Liberty.** A discussion followed on filling various town board vacancies.

Annual town meeting date – Jo moved to set March 8, 2016 as the annual town meeting election date, and March 9, 2016 as the open town meeting date. Gary 2nd. **Vote in favor was 4-0, Selectmen signed an order instructing town staff to make such arrangements.**

Fire Department Mutual Aid Agreement – Gary moved to sign the proposed mutual aid agreement with the Hancock County Firefighters Association. Jo 2nd. **Vote in favor was 4-0, Selectmen signed the agreement to be delivered back to Fire Chief George Smith.**

General Assistance Ordinance Hearing – Jo moved to set September 24, 2015 as the public hearing date for proposed amendments to the General Assistance Ordinance. Heather 2nd. **Vote in favor was 4-0. Gary signed the notice of public hearing.**

Tree Trimming – Stu noted that Shore Road needs some trimming. Heather said Mill Road also needs to be cut back. Stu said he would contact the in-town tree companies for a price.

Next Meeting Dates – The Board agreed to meet on September 24, October 8, October 22 (at the school), November 12, December 3, and December 17.

Executive Session – Gary moved to enter executive session pursuant to 1 MRSA §405(6)(a) in order to negotiate a pay rate with the Deputy Code Enforcement Officer/Facilities Maintenance Director. Heather 2nd. **Vote in favor was 4-0 at 8:45 PM, out at 8:50 pm.**

Heather moved to approve the proposed salary scale and job description of the Facilities Maintenance Director and Assistant Code Enforcement Officer. Bernie 2nd. **Vote in favor was 4-0.**

There being no further business, the meeting adjourned at 8:52 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen